

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MAINALI CORPORATION
Plaintiff,

VS.

**COVINGTON SPECIALTY INSURANCE
COMPANY, ENGLE MARTIN &
ASSOCIATES, INC., AND
LYNN SUMMERS**
Defendants.

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CIVIL ACTION NO.
3:15-cv-01087-D

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE COURT:

Defendants Covington Specialty Insurance Company (“Covington”), Engle Martin & Associates, Inc. (“Engle Martin”), and Lynn Summers¹ file this Motion for Summary Judgment and hereby move this Court for summary judgment pursuant to Fed. R. Civ. P. 56(c) on the grounds set forth below and more fully set forth in the accompanying Brief in Support of Defendants’ Motion for Summary Judgment, and would show the court the following:

I. SUMMARY

Defendants seek a ruling that Covington’s timely payment of the Appraisal Award constitutes policy compliance and precludes Plaintiff from prevailing on its contractual and extra-contractual claims as a matter of law. Defendants are seeking a final summary judgment. In the alternative, to the extent that this Court finds that a fact issue exists as to any ground(s) for summary judgment, Defendants are seeking partial summary judgment on all remaining grounds.

¹ By order dated August 31, 2015 [Docket No. 21], this Court found Defendant Lynn Summers was improperly joined. Accordingly, the claims against the improperly joined Defendant Summers should be dismissed as a matter of law.

WHEREFORE, Defendants respectfully request that this Court enter summary judgment against Plaintiff.

Respectfully submitted,

/s/ Harrison H. Yoss

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CERTIFICATE OF SERVICE

I hereby certify that on July 8th, 2016, I served the following document on counsel via electronic notice:

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